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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/605,239
Filing Date	September 17, 2003
First Named Inventor	Joseph M. MacNamara
Art Unit	3661
Examiner Name	Not yet assigned
Total Number of Pages in This Submission	5
Attorney Docket Number	28679.05381 (02-084 US)

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>- PTO/SB/08B Form (1 pg)</li> <li>- Reference (1)</li> <li>- Return Receipt Postcard</li> </ul>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	24024		
Signature	<i>Brian E. Kondas</i>		
Printed name	Brian E. Kondas		
Date	September 20, 2005	Reg. No.	40,685

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Marianne Crimaldi</i>		
Typed or printed name	Marianne Crimaldi	Date	September 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that this *Information Disclosure Statement* is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this, the 20th day of September, 2005.

Customer Number

24024

Marianne Crimaldi  
MARIANNE CRIMALDI

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Joseph M. MacNamara, et al.	)	Examiner: Not yet assigned
		)	
Serial No.:	10/605,239	)	Art Unit: 3661
		)	
Filed:	September 17, 2003	)	Confirmation No.: 3289
		)	
For:	<b>REMOTE DIAGNOSTICS DEVICE (RDU)</b>	)	Attorney Docket No.: 28679.05381
		)	(02-084 (US)
		)	

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**I. Preliminary Statement**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. §1.97(h)), or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**II. Identification of Time of Filing the Accompanying Information Disclosure Statement**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). As such it is believed that there is no fee due.

The information disclosure statement submitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but *before* the mailing date of either a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first.

The information disclosure statement transmitted herewith is being filed *after* a final action under §1.113, or a notice of allowance under §1.311, whichever occurs first, but before or simultaneously with, the payment of the issue fee.

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, furthermore, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicant received [a/an] \_\_\_\_\_ mailed \_\_\_\_\_ in related \_\_\_\_\_ application \_\_\_\_\_. A copy of this report is enclosed for the Office's convenience.

The present information disclosure statement is being filed thirty (30) days or fewer from a communication from a foreign patent office and Applicant submits the following statement under 37 C.F.R. § 1.704(d): each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement.

**III. Publishing Dates of References**

Applicant(s) do not know the precise publication date(s) of these reference(s): \_\_\_\_\_. However, Applicant(s) request that the Examiner consider this/these reference(s) in examining the present patent application. If the Examiner feels that one or more of the reference(s) bear against the patentability of the claim(s), Applicant(s) will then attempt to resolve the prior art status and applicability of the reference(s).

**IV. Non-English References**

- In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of that portion of the communication indicating the degree of relevance found by the foreign patent office.
- Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material: Controle De L'abs Sur Les Véhicules De La Gamme Volvo.
- No English translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.
- Concise Explanation of Non-English Language Listed Information Items. (Attached)

**V. Fee**

- It is believed that NO FEE is due with this Information Disclosure Statement.
- Petition fee due (§1.17(p)): \$180.00
- Attached is a check in the amount of \$180.00.
- Authorization is hereby made to charge the amount of \$\_\_\_\_\_ to Deposit Account No. 03-0172.
- Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 03-0172. A duplicate of this paper is attached.

Respectfully submitted,

Date: September 20, 2005

Brian E. Kondas  
\_\_\_\_\_  
Brian E. Kondas  
Reg. No. 40,685  
Telephone: 216.622.8308  
Customer No.: 24024



PTO/SB/08B (08-03)

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

<p style="text-align: right;">Substitute for form 1449/PTO</p> <h2>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p>(Use as many sheets as necessary)</p>				<b>Complete if Known</b>	
				<b>Application Number</b>	10/605,239
				<b>Filing Date</b>	September 17, 2003
				<b>First Named Inventor</b>	Joseph M. MacNamara
				<b>Art Unit</b>	3661
				<b>Examiner Name</b>	Not yet assigned
Sheet	1	of	1	<b>Attorney Docket Number</b>	28679.05381

## NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.**

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:  
**Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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